

Proposal # 2001- E203 (Office Use Only)

**PSP Cover Sheet** (Attach to the front of each proposal)

Proposal Title: Fay Island Restoration Project. Phase I  
Applicant Name: Mary Dunne, CA Dept. Fish and Game, Central Valley Bay-Delta Branch  
Mailing Address: 4001 N. Wilson Way, Stockton, CA 95205  
Telephone: (209) 948-7800  
Fax: (209) 946-6355  
Email: mdunne@delta.dfg.ca.gov

Amount of funding requested: \$ 744,148

Some entities charge different costs dependent on the source of the Funds. If it is different for state or federal funds list below.

State cost \_\_\_\_\_ Federal cost \_\_\_\_\_

Cost share partners? \_\_\_\_\_ Yes X No

Identify partners and amount contributed by each \_\_\_\_\_

Indicate the Topic for which you are applying (check **only one** box).

- |  |  |
|--|--|
| <input type="checkbox"/> Natural Flow Regimes                | <input type="checkbox"/> Beyond the Riparian Corridor                |
| <input type="checkbox"/> Nonnative Invasive Species          | <input type="checkbox"/> Local Watershed Stewardship                 |
| <input type="checkbox"/> Channel Dynamics/Sediment Transport | <input type="checkbox"/> Environmental Education                     |
| <input type="checkbox"/> Flood Management                    | <input type="checkbox"/> Special Status Species Surveys and Studies  |
| <input type="checkbox"/> Shallow Water Tidal/Marsh Habitat   | <input type="checkbox"/> Fishery Monitoring, Assessment and Research |
| <input type="checkbox"/> Contaminants                        | <input type="checkbox"/> Fish Screens                                |

What county or counties is the project located in? San Joaquin and Contra Costa Counties

What **CALFED** ecozone is the project located in? See attached list and indicate number.

Be as specific as possible 1.4 Central and West Delta

Indicate the type of applicant (check only one box):

- |  |   |
|--|---|
| <input type="checkbox"/> State agency                    | <input type="checkbox"/> Federal agency |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit     |
| <input type="checkbox"/> Local government/district       | <input type="checkbox"/> Tribes         |
| <input type="checkbox"/> University                      | <input type="checkbox"/> Private party  |
| <input type="checkbox"/> Other: _____                    |   |

Indicate the primary species which the proposal addresses (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon | <input type="checkbox"/> Spring-run chinook salmon |
| <input type="checkbox"/> Winter-run chinook salmon   | <input type="checkbox"/> Fall-run chinook salmon   |
| <input type="checkbox"/> Late-fall run chinook salmon  | <input type="checkbox"/> Longfin smelt             |
| <input checked="" type="checkbox"/> Delta smelt  | <input type="checkbox"/> Steelhead trout           |
| <input checked="" type="checkbox"/> Splittail  | <input type="checkbox"/> Striped bass              |
| <input type="checkbox"/> Green sturgeon  | <input type="checkbox"/> All chinook species       |
| <input type="checkbox"/> White sturgeon  | <input type="checkbox"/> All anadromous salmonids  |
| <input type="checkbox"/> Waterfowl and Shorebirds  | <input type="checkbox"/> American shad             |
| <input type="checkbox"/> Migratory birds   |  |
| <input checked="" type="checkbox"/> Other listed T/E species: <u>Mason's lilaeopsis</u>      |  |

Indicate the type of project (check only one box):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Research/Monitoring | <input type="checkbox"/> Watershed Planning |
| <input type="checkbox"/> Pilot/Demo Project             | <input type="checkbox"/> Education          |
| <input type="checkbox"/> Full-scale Implementation      |   |

Is this a next-phase of an ongoing project?	Yes	_____	No	<u>X</u>
Have you received funding from CALFED before?	Yes	_____	No	<u>X</u>

If yes, list project title and CALFED number \_\_\_\_\_

Have you received funding from CVPIA before?	Yes	_____	No	<u>X</u>
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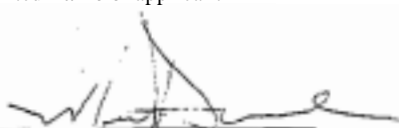
If yes, list CVPIA program providing funding, project title and CVPIA number (if applicable):  
\_\_\_\_\_

By signing below, the applicant declares the following:

- the truthfulness of all representations in their proposal;
- ~~The~~ individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity or organization); and
- ~~The~~ person submitting the application has read and understood the conflict of interest and confidentiality **discussion** in the PSP (Section 2.4) and Waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

Mary Dunne

Printed name of applicant

  
Signature of applicant

# **FAY ISLAND RESTORATION PROJECT PHASE I**

Prepared in Response to:

CALFED Bay-Delta Program  
2001 Proposal Solicitation Package  
Ecosystem Restoration Projects and Programs

## **Applicant:**

California Department of Fish and Game  
Central Valley Bay-Delta Branch  
4001 North Wilson Way  
Stockton, California 95205  
Phone (209) 948-7800

## **Principal Investigator:**

Mary Dunne, Associate Biologist  
California Department of Fish and Game  
Central Valley Bay-Delta Branch  
4001 North Wilson Way  
Stockton, California 95205  
Phone (209) 948-7800; Fax (209) 946-6355  
e-mail: mdunne@delta.dfg.ca.gov

## **Type of Organization:**

State Agency

## **Implementation Participants/Collaborators:**

Current participants are the California Department of Fish and Game, and Mr. Frank Giordano of the Wildlife Conservation Board. The U.S. Fish and Wildlife Service and the Department of Water Resources will collaborate in this effort.

**Executive Summary**  
**Fay Island Restoration Project-Phase I**

Applicant: **Ms. Mary Dunne**  
California Department of Fish and Game  
Central Valley Bay-Delta Branch  
email: [mdunne@delta.dfg.ca.gov](mailto:mdunne@delta.dfg.ca.gov)  
Amount **Requested \$744,148**

4001 North Wilson Way  
Stockton, California 95205  
Phone (209) 948-7800  
FAX (209) 946-6355

**Implementation Participants/Collaborators:** For Project Phase I:

Frank Giordano, Senior Land Agent  
Wildlife Conservation Board  
1807 13<sup>th</sup> Street, Suite 103  
Sacramento, CA 95814-7117  
Phone (916) 445-1112; Fax (916) 323-0280  
e-mail: [fgiordano@dfg.ca.gov](mailto:fgiordano@dfg.ca.gov)

U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95821  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, CA 94244

**Project Description:** The Fay Island Restoration Project proposes to acquire and restore tidal action to an approximately 98 acre island reclaimed for agriculture and seasonally managed wetland, as well as acquire a 17 acre in-channel berm island adjacent to Fay Island. Currently in private ownership, Fay Island is located in the southern central Delta on Old River. Implementation of this multi-year project will be carried out in four phases; Phase I involves land acquisition and development of a habitat restoration plan.

**Hypothesis:** Restoring Fay Island to a tidal wetland ecosystem will aid in the recovery of listed and special status plant and animal species occurring in the central Delta.

**Primary Benefits:** This project will restore shallow water and shaded riverine aquatic habitats providing benefits for native fish as well as resident mammals and birds, and rare plants. The restoration of this property will benefit delta smelt and its critical habitat, Sacramento splittail, tricolored blackbird, Western pond turtle, and Mason's lilaeopsis.

**Proposed Approach** This project is divided into four phases to be carried out over several years: Phase I involves land acquisition, restoration feasibility studies, and development of a restoration plan; Phase II involves completion of CEQA/NEPA environmental documentation and permitting; Phase III involves project construction; and Phase IV involves project monitoring and evaluation.

**Coordination with CALFED ERPP Goals:** This proposal is consistent with the stated goals of the CALFED ERP to restore wetland and shaded riverine aquatic habitats. This project will help promote three of the six Ecosystem Restoration Strategic Goals. This project will aid in the recovery of several listed species (Goal 1, At Risk Species), restore a self sustaining tidal wetland ecosystem (Goal 2, Ecosystem Processes and Biotic Communities), and support the recovery and restoration of native species and communities (Goal 4, Habitats).

# Fay Island Restoration Project-Phase I

## Project Description

### Problem

The Delta is a low-lying region of rich mineral and peat soils, composed of islands created primarily by diking and draining prehistoric marshes of the region. Before it was developed into agricultural lands, the Delta was a vast freshwater tidal marsh surrounded by adjacent upland habitats and riparian woodlands defined by natural stream meanders; remnants of the natural habitat can be found along some sloughs and rivers and on in-channel islands. The loss of tidal access has hindered the ecological processes and functions critical for sustaining a healthy aquatic ecosystem. Reduction and fragmentation of critical spawning and rearing areas in the Delta has contributed to declines of at-risk aquatic species, including chinook salmon, Delta smelt, and splittail.

Small flooded islands, and their remnant levees provide valuable habitats for many species of fish and wildlife. The interiors of flooded islands may offer critical shallow water habitats for several native fish species, including chinook salmon, Delta smelt (larvae and adult), and splittail (larvae and juvenile) (Grimaldo et. al., 1998). A similar, in-progress habitat restoration project on flooded Rhode Island, near Fay Island in Old River, describes many opportunities for enhancements that may also be applied to increase fish and wildlife use of the project area (Gardner and Meffe, 1999). The primary objectives of this proposed project when carried out in all phases is to restore and protect in-Delta tidal wetland habitat to promote the recovery of endangered, threatened, and special concern species.

### Conceptual Model

The conceptual model being used in restoration of Fay Island predicts that when the site has been restored to reflect topography and hydrology believed to be consistent with pre-reclamation conditions, tidal wetlands and shaded riverine aquatic habitats will form reverting the site to its original state. The first step in the process is to restore the gross topography of the site, taking into account the desired hydrologic tidal regime. The topographic design must take into account *the* tidal flows surrounding the site, and the effect a breach in the levee will have on internal island tidal action and scouring. The hydrology within the site (i.e. channels, amounts and gradients of intertidal area) will be determined by the gross topography of the site and the tidal regimes. Conversely, the open tidal action on the site will sculpt the site's fine topographic features. The restored topographic and hydrologic features will serve to support the hydrologic and habitat functions required to sustain site ecological value associated with food web productivity and species biodiversity.

This conceptual model is not without uncertainty since there are few comparable in-Delta shallow water habitat restoration projects. There is uncertainty regarding potential advantages and disadvantages of restoring habitat in the south Delta region due to entrainment and

predation issues. To address this uncertainty of whether or not this project will be creating an attractive nuisance habitat or a valuable interceptor habitat used as refugia, site monitoring and evaluation plans will need to be designed to provide the information necessary to begin answering some of these difficult questions.

### **Hypothesis**

The Fay Island Restoration Project hypothesizes that reverting a reclaimed in-Delta island to tidal shallow water and shaded riverine aquatic habitats will aid in the recovery of at risk fish and plant species dependent on the Delta. Project success will be based on criteria developed as part of a site-specific habitat restoration plan to be developed in subsequent Project phases. It is anticipated that those criteria will be based 1) on the site's ability to maintain ecological integrity as defined by temporal persistence of indicator species, and 2) on the sites' ability to act a valuable 'interceptor site' for anadromous and resident fish as opposed to an 'attractive nuisance' in proximity to the State and Federal water project export facilities. This proposed restoration project will address three of the ERP's Strategic Goals.

**Goal 1 - At Risk Species:** The Fay Island Restoration Project is expected to aid in the recovery of several listed and special status species by restoring their natural habitat within their current range. Some of the species that will benefit from the restoration of this property are: Delta smelt and its critical habitat, Sacramento splittail, chinook salmon, tricolored blackbird, Western pond turtle, and Mason's lilaeopsis.

**Goal 2 - Ecosystem Processes and Biotic Communities:** The proposed restoration project will take an encompassing tidal marsh ecosystem approach. Detailed hydrologic and topographic surveys are being conducted in Phase I so that sedimentation and tidal regimes may be accurately modeled and predicted. These surveys will also aid in predicting the self-sustaining habitats that will form on the site.

**Goal 4 - Habitats:** The Fay Island Restoration Project will contribute to restoring functional tidal freshwater emergent, and shaded riverine aquatic habitats. Restoring these habitats will aid in the recovery and restoration of native species and biotic communities in the central Delta.

The proposed project also addresses uncertainties related to shallow, tidal and freshwater marsh habitats identified by CALFED. This proposed project will provide an opportunity to evaluate similar shallow water restoration projects within the Old River corridor as lessons learned from the ongoing Rhode Island Restoration Project can be used to steer the development the Fay Island Restoration Plan. The relative connectivity of these two particular restoration sites, in addition to few other regional wetland restoration projects addresses the need to restore a mosaic of tidal emergent wetlands and associated uplands.

### **Adaptive Management**

This proposed project will adopt an adaptive management approach to evaluate restoration efforts through monitoring, assessing data, and reevaluating methods to improve habitats for native fish. The uncertainties associated with restoration of shallow water habitats will require

that restoration strategies and monitoring plans be continually revised to incorporate new information as it is gained from ongoing parallel efforts.

## **Proposed Scope of Work**

### **Location of Project**

Fay Island and the adjacent in-channel tule berm are located on Old River in the southern central Delta within the central and West Delta Ecological Management Zone (Figure 1). County lines running down the center of Old River place Fay Island in San Joaquin County (37° 56' 30"N, 121° 33' 30"E) and the in-channel tule berm in Contra Costa County. The in-channel tule berm may be acquired as a condition of the purchase of Fay Island; there are no plans for management of the berm.

### **Approach**

This project will be carried out in four phases over several years.

#### **Phase I: Acquisition of Fay Island; Feasibility Studies and Development of a Restoration Plan.**

A property appraisal of Fay Island was conducted for the Wildlife Conservation Board by an independent appraiser in October 1999. That appraisal was certified and has met the approval of the landowner. A feasibility study will be designed to quantitatively evaluate baseline habitat conditions on Fay Island, structural integrity, and fish and wildlife use associated with current land use, and best treatment of buildings on the island that will not interfere with the restoration goals for the island. The study will provide recommendations guiding the development of a site specific Restoration Plan for restoring the island's historic tidal wetland and shaded riverine aquatic habitat values. Phase I will also involve designing a process for ongoing project peer review.

#### **Phase II: Environmental Compliance.**

Phase II will include completion of CEQA/NEPA environmental documentation and permitting.

#### **Phase III: Restoration Plan Implementation.**

Following adoption of a restoration plan and environmental documentation, this phase will involve putting out a request for qualifications of interested bidders and awarding a construction contract. Restoration may include creating breaches in the levees, excavating of higher order channels to improve habitat quality and limit fish strandings, limited replanting of sensitive plant species, and a program of invasive species management. Development of the restoration plan will be guided by concurrent evaluation of ongoing in-Delta shallow water habitat restoration project monitoring, especially the Rhode Island Restoration Project (CALFED No. 98-F09). Topographic surveys and hydrologic modeling will be closely compared to similar analyses, including bathymetric surveys of Rhode Island to determine similarities and differences in site specific restoration strategies.

#### **Phase IV: Project Monitoring and Evaluation.**

This phase will involve the refinement of a monitoring program plan. The monitoring plan will be developed to answer specific hypotheses in the habitat restoration plan. It is expected that the monitoring plan will evaluate site geomorphology and bathymetry, sediment accretion rate

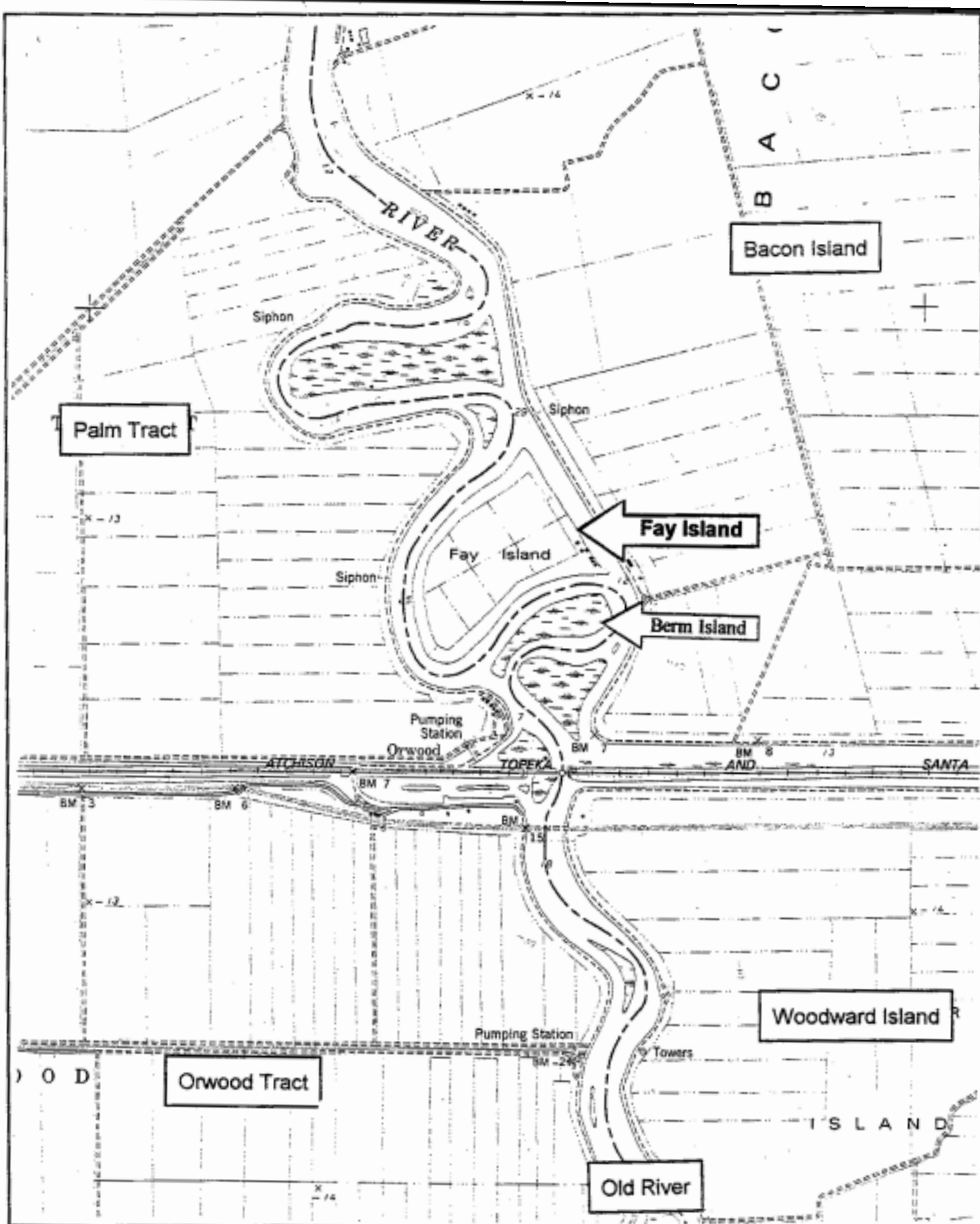


Figure 1. Location map of Fay island and adjacent inchannel tule berm.



and structural changes, tidal channel geomorphology, vegetation structure and complexity, benthic and epibenthic invertebrate populations, fish assemblages, food web linkages, and the presence and effects on invasive exotic species.

### **Monitoring and Assessment Plans**

During Phase II of this project, development of the monitoring component will begin. It will be further refined throughout subsequent phases. Actual project monitoring will occur in Phase IV and will be conducted by contract biologists as well as private consultants. The monitoring plan design will evaluate fish and wildlife response to restoration actions. Responses of aquatic species, in particular, will be used to assess the validity of specific restoration activities in the tidal Delta.

### **Data Handling and Storage**

Data handling and storage will be outlined in a Project Quality Assurance Project Plan to be developed with the final site specific monitoring plan during Phase IV of this project.

### **'Expected Products/Outcomes**

Expected products of Phase I are to secure the purchase of Fay Island, and provide a site-specific feasibility report which will describe the restoration potential and value of this island in the central Delta.

### **Work Schedule**

Work on Phase I will begin immediately upon acceptance of this proposal and securing a contract. Land acquisition and a final feasibility report will be completed by the project applicant within 1 year of contract finalization.

### **Feasibility**

Fay Island has been utilized for a combination of agricultural production, and the hunting of waterfowl and upland game birds. The current owners are in the process of transitioning the property from agricultural production to seasonal wetlands. The project applicant is currently dealing with a willing landowner to secure the sale of this property; there is no known opposition to this purchase.

## **Applicability to CALFED ERP Goals**

### **ERP Goals**

Goal 1 - At Risk Species: The Fay Island Restoration Project is expected to aid in the recovery of several listed and special status species by restoring their natural habitat within their current range. Some of the species that will benefit from the restoration of this property are: Delta smelt, Sacramento splittail, chinook salmon, western pond turtle, tricolored blackbird, and Mason's lilaeopsis. This project may provide spawning grounds for Delta smelt and splittail, refugia for outmigrating salmon smolts.

Goal 2 - Ecosystem Processes and Biotic Communities: The proposed restoration project is expected to restore this island to a self-sustaining tidal wetland ecosystem, conducive to ecological communities that will support native fish, mammal, and plant species.

Goal 4 - Habitats: The Fay Island Restoration Project will aid in the recovery and restoration of functional tidal wetlands in the Delta.

### **Relationship to Other Ecosystem Restoration Projects**

This project is consistent with achieving recovery of at risk Delta species similar to the Endangered Species Recovery Plan, Anadromous Fisheries Restoration Plan, Central Valley Project Improvement Act, and the Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes.

### **System-Wide Ecosystem Benefits**

Land acquisition and restoration efforts at Fay Island in the southern central Delta will enhance regional efforts to restore ecosystem functions. This proposed project will increase the connectivity of wetland restoration projects within the Old River corridor, creating opportunities for new research to determine spatial effects on the value of restore habitats. This proposed project compliments a similar effort on nearby Rhode Island.

### **Qualifications**

The CDFG manages over 820,000 acres of land, including 103 wildlife areas and 99 ecological reserves, many protecting species at risk. In addition to having biologists experienced in the science of restoration, Department biologists and botanists conduct hundreds of studies, surveys, censuses, and other sampling programs annually to assess the state's fish, wildlife, and habitat resources. The CDFG's Central Valley Bay-Delta Branch houses approximately 60 state and 20 USFWS biologists specializing in research to assess status and trends of resident and anadromous fish species in the Sacramento San Joaquin Estuary, including the state's lead biologists for Delta smelt, Sacramento splittail, and chinook salmon. The CDFG has the clerical, fiscal and contractual personnel necessary to support the biological and technical experts administering this project.

Ms. Mary Dunne, Associate Wildlife Biologist, Central Valley Bay-Delta Branch. Ms Dunne will be responsible for Phase I project management to include developing contracts with the Wildlife Conservation Board for property purchase, as well as contracts with consultants and engineers for restoration planning. The primary focus of qualifications will be on the consultants selected in Phase I to do topographic surveys, site mapping, hydrological and engineering surveys.

### **cost**

**Detail Budget:** (see Attachment A)

### **Summary Budget**

Calfed funds are requested to provide for costs associated with the acquisition of Fay Island,

task management by a California Department of Fish and Game Associate Biologist (approximately 8 months of time for \$40,000), and costs associated with Restoration Planning which includes aerial and ground surveys, site mapping, and hydrological and engineering evaluation.

### **Cost-Sharing**

Acquisition cost sharing for the purchase of Fay Island has been explored among interested agencies, however, those efforts have not resulted in any agreements to date.

### **Local Involvement**

The following agencies have been mailed notification of this proposal. The letters can be found in Attachment B.

Contra Costa County Planning Division  
Contra Costa County Board of Supervisors  
San Joaquin County Planning Division  
San Joaquin County Board of Supervisors  
Delta Protection Commission

### **Compliance with Standard Terms and Conditions**

No specific deviations from contractual terms and conditions are required for implementation of Phase I of the this project. Should this project move forward, all terms and contracts will be written and submitted to CALFED for approval. The CDFG is not aware of any potential conflicts of interest.

### **Literature Cited**

Grimaldo, L., B. Harrell, R. Miller, and Z. Hymanson. 1998. Determining the importance of shallow-water habitat in the Delta to resident and migratory fishes: A new challenge for IEP. IEP Newsletter 11:24-32.

Gardner, T., and J. Meffe. 1999. Feasibility Study Report for Rhode Island Floodplain Management and Habitat Restoration Project, Contra Costa County, California. Prepared for CA Dept. Fish and Game, Sacramento Valley/Central Sierra Region, Environmental services Division, Rancho Cordova, 25 pp.

## ATTACHMENT A

Table 1. Fay Island Restoration Project, Phase I; Annual and Total Budget.										
Year	Task	Subject to Overhead						Exempt from Overhead		Total Cost
		Salary	Benefits (20.48%)	Supplies & Expendables	Service Contracts	Acquisition Cost	Overhead (18.54%)	Equipment	Graduate Student Fee Remission	
Year 1	Task 1. Acquisition of Fay Island	\$20,000								Total Cost \$0
	Subtask 1a. Purchase of Fay Island: 100 acres					\$545,000				\$545,000
	Subtask 1b. Task Management Associate Wildlife Biologist months, half time						\$4,450			\$28,450
	Task 2. Restoration Planning									\$0
	Subtask 2a. Aerial and ground surveys, site mapping, hydrological and engineering evaluation				\$120,000		\$22,248			\$142,248
	Subtask 2b. Task Management Associate Wildlife Biologist 8 months, half time	\$20,000	\$4,000				\$4,450			\$28,450
Total Cost Year 1		\$40,000	\$8,000	\$0	\$120,000	\$545,000	\$31,148	\$0	\$0	\$744,148
Total Phase I Project Cost		\$40,000	\$8,000	\$0	\$120,000	\$545,000	\$31,148	\$0	\$0	\$744,148

## ATTACHMENT B



State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Central Valley Bay-Delta Branch  
4001 N. Wilson Way  
Stockton, California 95205  
(209) 948-7800

GRAY DAVIS, Governor



May 5, 2000

San Joaquin County Planning Division  
180 East Hazelton  
Stockton, California 95205

Re: Proposal for Habitat Restoration

This letter is to notify the Board of Supervisors that the California Department of Fish and Game's Central Valley Bay-Delta Branch is submitting a proposal for funding to the CALFED Bay-Delta Program for Phase I of a multiple-year habitat restoration project on Fay Island and an adjacent berm island. While the entirety of Fay Island is in San Joaquin County, the landowner is also interested in selling a 19 acre berm island adjacent to Fay Island on Old River, within Contra Costa County. The proposal "Fay Island Restoration Project-Phase I" requests funding for the acquisition of Fay Island and adjacent berm island, as well as for a study to determine the feasibility of tidal wetland restoration on Fay Island.

In order for you to get a better idea of the project and its goals, a copy of our proposal is enclosed. We look forward to working closely with you in the near future. If you have any questions feel free to contact me at (209) 942-6075.

Sincerely,

*Original signed by*

Mary Dunne  
Associate Wildlife Biologist

Enclosure

cc: Department of Fish and Game  
Stockton, California

Mr. Alan Baracco  
Mr. Frank Wernette

md00e010.wpd/ef

*Conserving California's Wildlife Since 1870*



**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>

Central Valley Bay-Delta Branch  
4001 N. Wilson Way  
Stockton, California 95205  
(209) 948-7800



May 5, 2000

Ms. Lois M. Sahyoun, Clerk of the Board  
San Joaquin County Board of Supervisors  
222 East Weber, Room 701  
Stockton, California 95202

Dear Ms. Sahyoun:

This letter is to notify the Board of Supervisors that the California Department of Fish and Game's Central Valley Bay-Delta Branch is submitting a proposal for funding to the CALFED Bay-Delta Program for Phase I of a multiple-year habitat restoration project on Fay Island and an adjacent berm island. While the entirety of Fay Island is in San Joaquin County, the landowner is also interested in selling a 19 acre berm island adjacent to Fay Island on Old River, within Contra Costa County. The proposal "Fay Island Restoration Project-Phase I" requests funding for the acquisition of Fay Island and adjacent berm island, as well as for a study to determine the feasibility of tidal wetland restoration on Fay Island.

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Sincerely,

*Original signed*

Mary Dunne  
Associate Wildlife Biologist

Enclosure

cc: Department of Fish and Game  
Stockton, California

Mr. Alan Baracco  
Mr. Frank Wemette

md00e009.wpd/ef

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DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Central Valley Bay-Delta Branch  
4001 N. Wilson Way  
Stockton, California 95205  
(209) 948-7800



May 5, 2000

Delta Protection Commission  
14215 River Road  
P.O. Box 530  
Walnut Grove, California 95690

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Sincerely,

Original signed by

Mary Dunne  
Associate Wildlife Biologist

Enclosure

cc: Department of Fish and Game  
Stockton, California

Mr. Alan Baracco  
Mr. Frank Wernette

md00e008.wpd/ef

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State of California - The Resources Agency  
**DEPARTMENT OF FISH AND GAME**  
<http://www.dfg.ca.gov>

GRAY DAVIS, Governor



Central Valley Bay-Delta Branch  
4001 N. Wilson Way  
Stockton, California 95205  
(209) 948-7800

May 5, 2000

Contra Costa County Planning Division  
651 Pine Street  
Martinez, California 94553

Re: Proposal for Habitat Restoration

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Sincerely,

Original signed by

Mary Dunne  
Associate Wildlife Biologist

Enclosure

cc: Department of Fish and Game  
Stockton, California

Mr. Alan Baracco  
Mr. Frank Wemette

md00e007.wpd/ef

*Conserving California's Wildlife Since 1870*



**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>

Central Valley Bay-Delta *Branch*  
4001 N. Wilson Way  
Stockton, California 95205  
(209) 948-7800



May 5, 2000

Mr. Phil Batchelor, Clerk of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street  
Martinez, California 94553

Dear Mr. Batchelor:

This letter is to notify the Board of Supervisors that the California Department of Fish and Game's Central Valley Bay-Delta Branch is submitting a proposal for funding to the CALFED Bay-Delta Program for Phase I of a multiple-year habitat restoration project on Fay Island and an adjacent berm island. While the entirety of Fay Island is in San Joaquin County, the landowner is also interested in selling a 19 acre berm island adjacent to Fay Island on Old River, within Contra Costa County. The proposal "Fay Island Restoration Project-Phase I" requests funding for the acquisition of Fay Island and adjacent berm island, as well as for a study to determine the feasibility of tidal wetland restoration on Fay Island.

In order for you to get a better idea of the project and its goals, a copy of our proposal is enclosed. We look forward to working closely with you in the near future. If you have any questions feel free to contact me at (209) 942-6075.

Sincerely,

Original signed by

~~Mary~~ Dunne  
Associate Wildlife Biologist

Enclosure

cc: Department of Fish and Game  
Stockton, California

Mr. Alan Baracco  
Mr. Frank Wernette

md00e006.wpd/ef

*Conserving California's Wildlife Since 1870*

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. *Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.*

- | <u>YES</u> | <u>X</u> | <u>NO</u> |
|------------|----------|-----------|
|------------|----------|-----------|

- Lead Agency

- This Proposal represents Phase I of a multi-year project. While subsequent Phases will be subjected to CEQMNPEA compliance, Phase I involves land acquisition and feasibility studies only for future actions, statutorily exempt at this time.

5. Will the applicant require access public **or** private property that the applicant does not own to accomplish the activities in the proposal?

YES NO

If yes, the applicant must attach written permission **for** access from the relevant property owner(s). Failure to include written permission for access may result in disqualification of the proposal during the review process. Research and monitoring field projects for which specific field locations have **not** been identified will be required to provide access needs and permission for access with **30 days of** notification of approval.

6. Please indicate what permits **or** other approvals may be required **for** the activities contained in **your** proposal. Check all boxes that **apply**. N/A

**LOCAL**

Conditional use permit	<input type="checkbox"/>
Variance	<input type="checkbox"/>
Subdivision Map Act approval	<input type="checkbox"/>
Grading permit	<input type="checkbox"/>
General plan amendment	<input type="checkbox"/>
Specific plan approval	<input type="checkbox"/>
Rezone	<input type="checkbox"/>
Williamson Act Contract cancellation	<input type="checkbox"/>
Other _____	
(Please specify)	<input checked="" type="checkbox"/>
None required	<input checked="" type="checkbox"/>

**STATE**

CESA Compliance	<input type="checkbox"/>	(CDFG)
Streambed alteration permit	<input type="checkbox"/>	(CDFG)
CWA § 401 certification	<input type="checkbox"/>	(RWQCB)
Coastal development permit	<input type="checkbox"/>	(Coastal Commission/BCDC)
Reclamation Board approval	<input type="checkbox"/>	
Notification	<input type="checkbox"/>	(DPC, BCDC)
Other _____		
(Please specify)	<input checked="" type="checkbox"/>	
None required	<input checked="" type="checkbox"/>	

**FEDERAL**

ESA Consultation	<input type="checkbox"/>	(USFWS)
Rivers & Harbors Act permit	<input type="checkbox"/>	(ACOE)
CWA § 404 permit	<input type="checkbox"/>	(ACOE)
Other _____		
(Please specify)	<input checked="" type="checkbox"/>	
None required	<input checked="" type="checkbox"/>	

DPC = Delta Protection Commission  
 CWA = Clean Water Act  
 CESA = California Endangered Species Act  
 USFWS = U.S. Fish and Wildlife Service  
 ACOE = U.S. Army Corps of Engineers

ESA = Endangered Species Act  
 CDFG = California Department of Fish and Game  
 RWQCB = Regional Water Quality Control Board  
 BCDC = Bay Conservation and Development Comm.

# Land Use Checklist

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.

1. Do the actions in the proposal involve physical changes to the land (i.e. grading, planting vegetation, or breaching levees) or restrictions in land use (i.e. conservation easement or placement of land in a wildlife refuge)?

        
YES

        
NO

2. If NO to #1, explain what type of actions are involved in the proposal (i.e. research only, planning only).  
This proposal is for land acquisition and feasibility study of restoring a 100 acre in-Delta Island currently managed in agriculture/seasonal wetland to tidal wetland habitat.

3. If YES to #1, what is the proposed land use change or restriction under the proposal?

4. If YES to #1, is the land currently under a Williamson Act contract?

  X    
YES

        
NO

5. If YES to #1, answer the following

Current land use

Agriculture/Seasonal Wetland

Current zoning

AG-80

Current general plan designation

General AP, Open Space, and Resource Conservation

6. If YES to #1, is the land classified as Prime Farmland, Farmland of Statewide Importance or Unique Farmland on the Department of Conservation Important Farmland Maps?

  X    
YES

        
NO

7. If YES to #1, how many acres of Land will be subject to physical change or land use restrictions under the proposal?

  0  

8. If YES to #1, is the property currently being commercially farmed or grazed?

  X    
YES

        
NO

9. If YES to #8, what are the number of employees \_\_\_\_\_  
the total number of employees 1

10. Will the applicant acquire any interest in land under the proposal (fee title or a conservation easement)?

X  
YES

\_\_\_\_\_  
NO

11. What entity/organization will hold the interest? CA Dept of Fish and Game

12. If Yes to #10, answer the following:

Total number of acres to be acquired under proposal	<u>115 acres</u>
Number of acres to be acquired in fee	<u>115 acres</u>
Number of acres to be subject to conservation easement	<u>0</u>

13. For all proposals involving physical changes to the land or restriction in land use, describe what entity or organization will:

Manage the property \_\_\_\_\_

Provide operations and maintenance services \_\_\_\_\_

Conduct monitoring \_\_\_\_\_

14. For land acquisitions (fee title or easements), will existing water rights also be acquired?

X  
YES

\_\_\_\_\_  
NO

15. Does the applicant propose any modifications to the water right or change in the delivery of the water?

\_\_\_\_\_  
YES

X  
NO

16. If YES to #15, describe \_\_\_\_\_

Agreement No.: \_\_\_\_\_

Exhibit: \_\_\_\_\_

**STANDARD CLAUSES –  
INTERAGENCY AGREEMENTS**

**Audit Clause.** For Agreements in excess of \$10,000, the parties shall be subject to the examination and audit of the State Auditor for a period of three years after final payment under the Agreement. (Government Code Section 8546.7).

**Availability of Funds.** Work to be performed under this Agreement is subject to availability of funds through the State's normal budget process.

**Interagency Payment Clause.** For services provided under this Agreement, charges will be computed in accordance with ~~Stat:~~ Administrative Manual Sections 8752 and 8752.1.

**Termination Clause.** Either State agency may terminate this Agreement upon thirty (30) days' advance written notice. The State agency providing the services shall be reimbursed for all reasonable expenses incurred up to the date of termination.

**Severability.** If any provision of this Agreement is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable, and binding on the parties.

**Y2K Language.** The Contractor warrants and represents that the goods or services sold, leased, or licensed to the State of California, its agencies, or its political subdivisions, pursuant to this Agreement are "Year 2000 compliant" For purposes of this Agreement, a good or service is Year 2000 compliant if it will continue to fully function before, at, and after the Year 2000 without interruption and, if applicable, with full ability to accurately and unambiguously process, display, compare, calculate, manipulate, and ~~otherwise~~ utilize date information. This warranty and representation supersedes all warranty disclaimers and limitations and all limitations on liability provided by or through the Contractor.



# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

<b>1. TYPE OF SUBMISSION:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>A. Application</b>  <input type="checkbox"/> Construction  <input type="checkbox"/> Non-Construction</p> </div> <div style="width: 45%;"> <p><b>B. Application</b>  <input type="checkbox"/> Construction  <input type="checkbox"/> Non-Construction</p> </div> </div>		<b>2. DATE SUBMITTED</b> <p style="text-align: center;"><b>May 15, 2000</b></p>		<b>Applicant Identifier</b>  	
<b>3. DATE RECEIVED BY STATE</b> 		<b>State Application Identifier</b> 			
<b>4. DATE RECEIVED BY FEDERAL AGENCY</b> 		<b>Federal Identifier</b> 			

<b>5. APPLICANT INFORMATION</b> <b>Legal Name:</b> <p style="text-align: center;"><b>California Dept. Fish and Game</b></p>		<b>Organizational Unit:</b> 	
<b>Address (give city, county, State, and zip code):</b> <p style="text-align: center;"><b>4001 N. Wilson Way Stockton, CA 95205/ San Joaquin County</b></p>		<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b> <p style="text-align: center;"><b>Mary Dunne (209) 948-7800</b></p>	

<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 9   4   -   1   6   9   7   5   6   7 </div>		<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District</p> </div> <div style="width: 45%;"> <p>H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____</p> </div> </div>	
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<b>8. TYPE OF APPLICATION:</b> <div style="display: flex; justify-content: space-around;"> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision </div> <p>Revision, enter appropriate letter(s) in box(es) <span style="border: 1px solid black; padding: 0 5px;">  </span> <span style="border: 1px solid black; padding: 0 5px;">  </span></p> <div style="display: flex; justify-content: space-between;"> <p>A. Increase Award D. Decrease Duration</p> <p>B. Decrease Award Other(specify): _____</p> <p>C. Increase Duration</p> </div>		<b>9. NAME OF FEDERAL AGENCY:</b> <p style="text-align: center;">n/a</p>	
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<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">         -                         </div> <p style="text-align: center;">TITLE:</p>		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> <p style="text-align: center;"><b>Fay Island Restoration Project Phase I</b></p>	
---	--	--	--

<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> <p style="text-align: center;"><b>San Joaquin County, Contra Costa County</b></p>			
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<b>13. PROPOSED PROJECT</b> <div style="display: flex;"> <div style="width: 45%;"> <b>Start Date</b>  </div> <div style="width: 45%;"> <b>Ending Date</b>  </div> </div>		<b>14. CONGRESSIONAL DISTRICTS OF:</b> <div style="display: flex;"> <div style="width: 45%;"> <b>a. Applicant</b>  <p style="text-align: center;"><b>California 11th District</b></p> </div> <div style="width: 45%;"> <b>b. Project</b>  <p style="text-align: center;"><b>California 11th District</b></p> </div> </div>	
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<b>15. ESTIMATED FUNDING:</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">a. Federal</td> <td style="width:10%;">\$</td> <td style="width:30%; text-align: center;">744,148</td> <td style="width:10%; text-align: right;">00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td></td> <td>00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td></td> <td>00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td></td> <td>00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td></td> <td>00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td></td> <td>00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td style="text-align: center;">744,148</td> <td>00</td> </tr> </table>		a. Federal	\$	744,148	00	b. Applicant	\$		00	c. State	\$		00	d. Local	\$		00	e. Other	\$		00	f. Program Income	\$		00	g. TOTAL	\$	744,148	00	<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b> <p>a. YES, THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:  DATE _____</p> <p>b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372  <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW</p>	
a. Federal	\$	744,148	00																												
b. Applicant	\$		00																												
c. State	\$		00																												
d. Local	\$		00																												
e. Other	\$		00																												
f. Program Income	\$		00																												
g. TOTAL	\$	744,148	00																												

<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No </div>			
---	--	--	--

<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
<b>a. Type Name of Authorized Representative</b> <p style="text-align: center;"><b>Perry Herrgesell</b></p>		<b>b. Title</b> <p style="text-align: center;"><b>Branch Chief</b></p>	
<b>d. Signature of Authorized Representative</b> 		<b>c. Telephone Number</b> <p style="text-align: center;">(209) 948-7800</p>	
<b>e. Date Signed</b> <p style="text-align: center;">5/9/00</p>			

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Standard Form 424 (Rev. 7-97)

Prescribed by OMB Circular A-102

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-ti04

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Fay Island		\$	\$	\$ 744,148	\$	\$ 744,148
2.						
3.						
4.						
5. Totals		\$	\$	\$ 744,148	\$	\$ 744,148

## SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1) Phase I	(2)	(3)	(4)	(5)
a. Personnel	\$ 40,000	\$	\$	\$	\$ 40,000
b. Fringe Benefits	0,000				8,000
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	120,000				120,000
g. Construction					
h. Other Land acquisition	545,000				545,000
i. Total Direct Charges (sum of 6a-6h)	713,000				713,000
j. Indirect Charges	31,148				31,148
k. TOTALS (sum of 6i and 6j)	\$ 744,148	\$	\$	\$	\$ 744,138
7. Program Income	\$	\$	\$	\$	\$

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Standard Form 424A (Rev. 7-97)  
Prescribed by OMB Circular A-1

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award: and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made: and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



Dr. Perry Herrgesell

TITLE

Branch Chief

APPLICANT ORGANIZATION

California Department of Fish and Game

DATE SUBMITTED

5/9/00

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

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**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award: and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Agreement No.: \_\_\_\_\_

Exhibit: - \_\_\_\_\_

**STANDARD CLAUSES -  
INSURANCE REQUIREMENTS**

Contractor shall furnish to the State a certificate of insurance stating that there **is** liability insurance presently in effect for the Contractor of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined.

The certificate of insurance must include the following provisions:

1. The insurer will not cancel the insured's coverage without thirty (30) days' prior written notice to the State.
2. The State of California, its officers, agents, employees, and servants are Included as additional insured, but only insofar as the operations under this Agreement are concerned..

Contractor agrees that the bodily injury liability insurance herein provided *for* shall be in effect at all times during the term of this Agreement. In the event said insurance coverage expires at any time or times during the time of this Agreement, Contractor agrees to provide at least thirty (30) days prior to said expiration date, a **new** certificate of insurance evidencing insurance coverage **as** provided for herein for not less than the remainder of the **term of** this Agreement, or for **a** period of not less than one **(1)** year. New certificates of insurance are subject to **the** approval of the Department of General Services and Contractor agrees that no work or services shall **be performed** prior to the giving of such approval.. In the event Contractor fails to keep insurance coverage in effect at all times as herein provided, in addition to any other remedies it may have,, State may **terminate this Agreement** upon the occurrence of such event.

Insurance certificates must have an original signature.

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI-1954). (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. [Grantees Who are Individuals] - (See Appendix C of Subpart D of 43 CFR Part 12.1)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

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PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -  
Primary Covered Transactions

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*CHECK ☐ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.*

iii The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions [Federal, State or local] terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -  
Lower Tier Covered Transactions

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*CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.*

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

01-2010  
March 1995  
(This form consolidates DI-1953, DI-1954,  
DI-1955, DI-1956 and DI-1963)



PART C: Certification Regarding Drug-Free Workplace Requirements

~~CHECK X~~ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

4001 N. Wilson Way  
Stockton, California  
95205 San Joaquin County

Check ☐ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**PART E** Certification Regarding **Lobbying**  
Certification for Contracts, Grants, Loans, and Cooperative Agreements

~~CHECK X~~ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND  
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT,  
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK    IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL  
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR  
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TYPED NAME AND TITLE Alan Baracro, Operations Manager

DATE May 12, 2000

